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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,681	09/19/2002	CRAIG H. BAKER	81762/210	4027
7590 12/14/2005 GUNNER G. LEINBERG, ESQ. NIXON PEABODY LLP CLINTON SQUARE P.O. BOX 31051 ROCHESTER, NY 14603			EXAMINER TSUKERMAN, LARISA Z	
			ART UNIT 2833	PAPER NUMBER
DATE MAILED: 12/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/374,681	<b>Applicant(s)</b> BAKER ET AL.	
	<b>Examiner</b> Larisa Z Tsukerman	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on RCE and amendmend dated 11/28/2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The amendment filed 11/28/2005 is acknowledged.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 5, 7 – 11, 13 – 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ostapovitch (US 4,076,369).

**In regard to claims 1, 8 and 14**, Ostapovitch discloses an electrical socket contact 10 (Fig. 1-2,7) and a method of making/mating the socket contact with a pin contact 20, comprising:

an electrically conductive body 11 having a pin contact engaging bore (not marked, see Attachment) which extends at least partially along a first axis, the body 11 comprising:

at least two pin contact arc receiving elements 18 (see Attachment 1, read on applicant's left and right guide portions 18) extending into the bore, wherein the arc receiving elements 18 are spaced apart across the bore and having a distance that is greater than a maximum transverse dimension of the pin contact 20 (shown in Fig.3), and

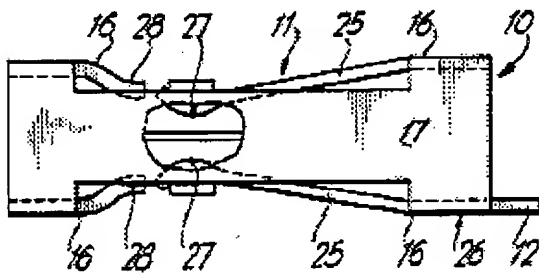
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a plurality of conductive spring contacts 14 which are substantially spaced from and not aligned with the arc receiving elements 18 in a direction along the first axis of the bore.

**In regard to claims 2, 9 and 15,** Ostapovitch also discloses an aperture (not marked, see Fig. 3) defined in the body 11, which extends through the bore and spaced from the spring contacts 14 along the bore.

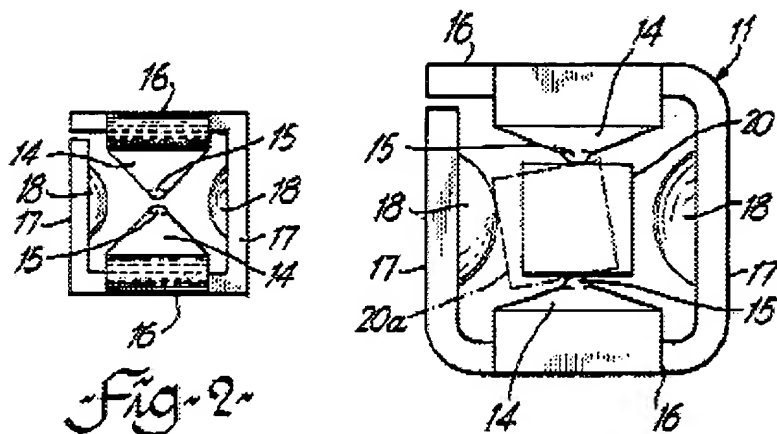
**In regard to claims 3 and 10,** Ostapovitch also discloses the pin contact arc receiving elements 18 comprises stamped or curved inwardly extending projections (Fig. 1 and 3 and Attachment 1).

**In regard to claims 4 and 11,** Ostapovitch also discloses the socket contact 11 is formed a single sheet of material (Fig. 7).



bore

first axis



Attachment 1

In regard to claim 5, Ostapovitch also discloses when the pin contact is inserted into the bore, the pin takes place in the sequence of: contact with the socket contact itself (at a front edge of the socket contact, Fig. 3), then the arc receiving elements 18, and then a domed contact areas 15 of the spring contacts 14.

All the elements recited in the claims are read in the reference, and the method claims are inherit of the product claims.

In regard to claims 7, 13 and 17, Ostapovitch discloses the arc receiving elements 18 are fixed, non-cantilevered, arc receiving elements.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostapovitch (US 4,076,369).

**In regard to claims 18 – 20**, Ostapovitch disclosed most of the invention, except for the pin contact engaging bore has a substantially round cross-sectional shape.

The pin contact engaging bore a substantially round cross-sectional shape, absent any criticality, is only considered to be an obvious modification of the shape of the bore, as the courts have held that a change in shape or configuration, without any criticality, is within the level of skill in the art as the particular shape claimed by applicant is nothing more than one of numerous shapes that a person having ordinary skill in the art will find obvious to provide using routine experimentation based on its suitability for the intended use of the invention. See *In re Dailey*, 149USPQ 47 (CCPA 1976).

Claims 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostapovitch (US 4,076,369) in view of Henricus op ten Berg (US 5,554,056).

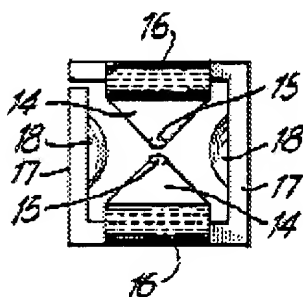
Ostapovitch discloses the instant claimed invention as described above except for a latch spaced in from the spring contacts along the bore. Henricus op ten Berg discloses a socket contact 2 (Fig. 1) comprises a latch 16 spaced in from spring contacts 30 along a bore defined between the spring contacts.

Therefore, it would have been obvious to one having ordinary skill in the art at the time invention was made to modify the socket contact of Ostapovitch to provide the latch as taught by Henricus op ten Berg in order to facilitate retaining the socket contact within a connector housing, as is well known in the art of the electrical connector.

### ***Response to Arguments***

Applicant's arguments filed 11/28/2005 have been fully considered but they are not persuasive.

In regard to Applicant's arguments on page 6, that the beams 13 are spread apart by insertion of the pin 20, Examiner disagrees. Ostapovich clearly shows in Fig. 2 that without a pin 20 beams 13 are spaced apart, and only in contact areas 15 beams 13 are closely spaced. It means that the largest portion of beams 13 is substantially spaced.



In regard to Applicant's arguments, that the portions 18 is not an arc receiving element, examiner considers that portions 18 are capable to perform the function of arc receiving elements because it meets the portions 18 prior then contact portions 15 (see Figs.3, 6 and 11).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

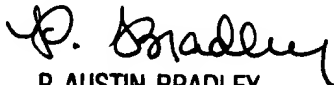
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on (571)-272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT, 05/17/2005

  
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